

UNITED STATES OF AMERICA NATIONAL
LABOR RELATIONS BOARD
STIPULATED ELECTION AGREEMENT

PAN AMERICAN GRAIN MANUFACTURING, CO. INC.

Case 12-RC-329670

The parties **AGREE AS FOLLOWS:**

1. PROCEDURAL MATTERS. The parties waive their right to a hearing and agree that any notice of hearing previously issued in this matter is withdrawn, that the petition is amended to conform to this Agreement, and that the record of this case shall include this Agreement and be governed by the Board's Rules and Regulations.

2. COMMERCE. The Employer, Pan American Grain Manufacturing, Co., Inc., is engaged in commerce within the meaning of Section 2(6) and (7) of the National Labor Relations Act and a question affecting commerce has arisen concerning the representation of employees within the meaning of Section 9(c) of the Act.

[Handwritten signatures]
The Employer is a Puerto Rico corporation with an office and place of business at Bo. Amelia, Guaynabo, Puerto Rico (the Arroz Rico plant), and is engaged in the processing, manufacturing, and distribution of rice. During the past 12 months, a representative period, in conducting its business operations, the Employer purchased and received at its facilities in the Commonwealth of Puerto Rico goods valued in excess of \$50,000 directly from points outside the Commonwealth of Puerto Rico.

3. LABOR ORGANIZATIONS. Unión de Tronquistas de Puerto Rico, Local 901, International Brotherhood of Teamsters and Congreso de Uniones Industriales de Puerto Rico are organizations in which employees participate, and which exist for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work and are labor organizations within the meaning of Section 2(5) of the Act.

4. ELECTION. A secret-ballot election under the Board's Rules and Regulations shall be held under the supervision of the Regional Director on the date and at the hours and places specified below.

DATE: December 21, 2023

HOURS: 1:00 p.m. to 3:30 p.m.

PLACE: Employer's Premises, First Floor Conference Room, Arroz Rico plant, Calle Central, Esquina San Pablo, Bo. Sabana, Guaynabo, Puerto Rico 00968

If the election and/or count scheduled for December 21, 2023, is postponed or canceled, the Regional Director, in his or her discretion, may reschedule the date(s), time(s) and/or place(s) of the election, and/or may modify the method(s) of voting (i.e manual election, mixed mail and manual election, or mail ballot election) and/or counting the ballots.

5. UNIT AND ELIGIBLE VOTERS. The following unit is appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

INCLUDED: All full-time and regular part-time production and maintenance employees employed by Pan American Grain Manufacturing Co., Inc. in Guaynabo, Puerto Rico and any of its other facilities in Puerto Rico.

EXCLUDED: All other employees, office clerical employees, professional employees, managers, guards, and supervisors as defined in the Act.

Those eligible to vote in the election are employees in the above unit who were employed during the payroll period ending on November 26, 2023, including employees who did not work during that period because they were ill, on vacation, or were temporarily laid off. In a mail ballot election, employees are eligible to vote if they are in the above unit on both the payroll period ending date and on the date they mail in their ballots to the Board's designated office.

Employees engaged in any economic strike, who have retained their status as strikers and who have not been permanently replaced are also eligible to vote. In addition, employees engaged in an economic strike which commenced less than 12 months before the election date, who have retained their status as strikers but who have been permanently replaced, as well as their replacements are eligible to vote. Employees who are otherwise eligible but who are in the military services of the United States may vote if they appear in person at the polls or by mail as described above in paragraph 4.

Ineligible to vote are (1) employees who have quit or been discharged for cause after the designated payroll period for eligibility, and, in a mail ballot election, before they mail in their ballots to the Board's designated office, (2) employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and (3) employees engaged in an economic strike which began more than 12 months before the election date who have been permanently replaced.

6. VOTER LIST. Within 2 business days after the Regional Director has approved this Agreement, the Employer must provide to the Regional Director and all of the other parties a voter list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available personal home and cellular telephone numbers) of all eligible voters. The Employer must also include, in a separate section of that list, the same information for those individuals whom the parties have agreed should be permitted to vote subject to challenge. The list must be filed in common, everyday electronic file formats that can be searched. Unless otherwise agreed to by the parties, the list must be provided in a table in a Microsoft Word file (.doc or docx) or a file that is compatible with Microsoft Word (.doc or docx). The first column of the list must begin with each employee's last name and the list must be alphabetized (overall or by department) by last name. The font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. When feasible, the list must be filed electronically with the Regional Director and served electronically on the parties. The Employer must file with the Regional Director a certificate of service of the list on all parties.

7. THE BALLOT. The Regional Director, in his or her discretion, will decide the language(s) to be used on the election ballot. All parties should notify the Region as soon as possible of the need to have the Notice of Election and/or ballots translated to other than Spanish. The question on the ballot will be "Do you wish to be represented for purposes of collective bargaining by Congreso de Uniones Industriales de Puerto Rico or Unión de Tronquistas de Puerto Rico, Local 901, International Brotherhood of Teamsters?" The choices on the ballot will be "Congreso de Uniones Industriales de Puerto Rico", "Unión

de Tronquistas de Puerto Rico, Local 901, International Brotherhood of Teamsters" or "Neither".

8. NOTICE OF ELECTION. The Regional Director, in his or her discretion, will decide the language(s) to be used on the Notice of Election. The Employer must post copies of the Notice of Election in conspicuous places, including all places where notices to employees in the unit are customarily posted, at least three (3) full working days prior to 12:01 a.m. of the day of the election. The Employer must also distribute the Notice of Election electronically if the Employer customarily communicates with employees in the unit electronically. Failure to post or distribute the Notice of Election as required shall be grounds for setting aside the election whenever proper and timely objections are filed.

9. NOTICE OF ELECTION ONSITE REPRESENTATIVE. The following individual will serve as the Employer's designated Notice of Election onsite representative:

Barbara Bravo, Head of Human Resources
 Phone: (787) 273-6100
 Email: bbravo@panamericangrain.com

10. ACCOMMODATIONS REQUIRED. All parties should notify the Region as soon as possible of any voters, potential voters, or other participants in this election who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.503, and who in order to participate in the election need appropriate auxiliary aids, as defined in 29 C.F.R. 100.503, and request the necessary assistance.

11. OBSERVERS. Each party may only station one nonsupervisory-employee observers at the polling places to assist in the election, to challenge the eligibility of voters, and to verify the tally.

12. TALLY OF BALLOTS. Upon conclusion of the election, the ballots will be counted, and a tally of ballots prepared and immediately made available to the parties.

13. POSTELECTION. All procedures after the ballots are counted shall conform with the Board's Rules and Regulations.

14. MANUAL ELECTION SAFETY PROTOCOLS

a. Individuals should not participate in-person in a manual election (including other in-person meetings related to the election) if they have COVID-19, fever or chills, or if they have other new or unexplained symptoms consistent with COVID-19, such as: new or unexplained onset of cough, shortness of breath, or difficulty breathing; new or unexplained loss of taste or smell; or new or unexplained muscle aches.

b. If an individual who participated in a manual election develops symptoms or tests positive for COVID-19 within 10 days after the election or an in-person meeting related to the election, they must promptly notify the Board agent assigned to the case.

c. If the CDC or a state or a locality determines that a mask requirement is necessary in the location in which a manual election is to be held, all individuals must wear a well-fitting, high-quality face mask (N-95, KN-95, N-94, surgical mask, or similar). If masks are required, and the Region or Employer has an adequate supply of N-95 or equivalent masks available, they are strongly encouraged to offer them for use by all election participants. Individuals participating in manual elections in other locations may wear a mask at their choosing.

d. Individuals participating in manual elections are encouraged to maintain reasonable physical distance and avoid overcrowding.

e. Individuals will be encouraged to use hand sanitizer, where available.

Pan American Grain Manufacturing, Co., Inc.

(Employer)

By:


(Signature) 100, 23
(Date)

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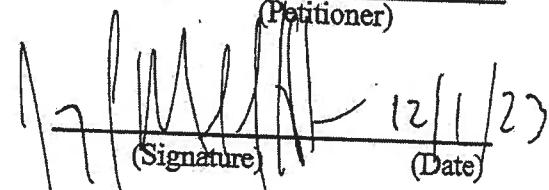
Name:

Agustín Collado

Unión de Tronquistas de Puerto Rico, Local
901, International Brotherhood of Teamsters

(Petitioner)

By:

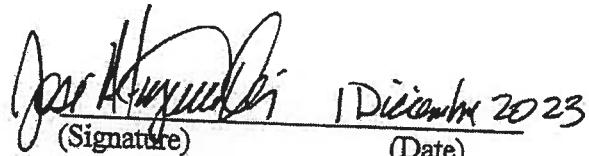

(Signature) 12/1/23
(Date)

Print
Name:

Jorge L. Marchant

Congreso de Uniones Industriales de Puerto Rico
(Intervenor)

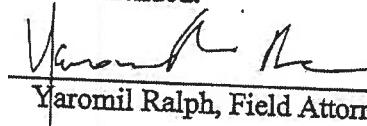
By:


(Signature) 1 Diciembre 2023
(Date)

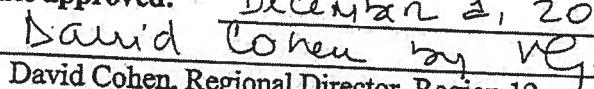
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Name:

José A. Figueroa Ríos

Recommended:


Yaromil Ralph, Field Attorney 12/1/23
(Date)

Date approved: December 1, 2023


David Cohen, Regional Director, Region 12

National Labor Relations Board